

PIKE COUNTY PROJECT DEVELOPMENT BOARD

MEETING MINUTES

**Pike County Courthouse
Pikeville, Kentucky**

November 6, 2008, at 5:00 p.m.

PRESIDING OFFICER: Judge/Executive Wayne T. Rutherford

MEMBERS OF THE BOARD PRESENT:

**Magistrate Jeff Anderson
City Manager/AOC Representative Donovan Blackburn
District Judge Darrell Mullins
State Bar Association Representative Neal Smith
AOC Project Manager Jeff Lilly**

OTHERS PRESENT:

**Debbie Bailey, Grace Fellowship
R. Roland Case, Assistant Pike County Attorney
Rose Farley, Recorder
Rhonda James, Finance Commissioner of Fiscal Court
Carrie Moore, Executive Assistant to Judge Rutherford
Mary Meadow, Medical Leader Reporter
David Sumner, Codell Construction
Representative of Grace Fellowship**

MEMBER OF THE BOARD ABSENT:

**Circuit Judge Eddy Coleman
David Deskins, Circuit Court Clerk
Citizen at Large Hon. Charles E. Lowe, Jr.**

Pike County Judge/Executive Wayne T. Rutherford, Chair of the Pike County Project Development Board, called to order a regularly scheduled meeting of the Board on November 6, 2008, at 5:00 p.m., in the Pike County Fiscal Courtroom, Pike County Courthouse, 146 Main Street, Pikeville, Kentucky.

Judge Rutherford called on Assistant Pike County Attorney R. Roland Case for a progress report on the condemnation lawsuits. Attorney Case said he had filed the actions by letter, followed by a recusal of both local judges from the actions. He reported Judge John David Caudill of Floyd County has entered the order appointing J.B. Gilliam, Jennifer Reynolds and Shirley Blackburn as Commissioners. He stated the order itself is dated October 20, 2008, but the Circuit Court Clerk dated it as October 21, 2008, with the commissioners' report to be returned within fifteen days, which would have been yesterday, November 5. He said as of 3:15 p.m., on this date nothing had been received or filed. He said once the commissioners' report is received, summons must be

issued and served on the various parties after which time they have two options: 1) They may accept the amount of the commissioners' award or 2) they may contest the County's right to condemn or file exceptions to the amount of the commissioners' award.

Attorney Case reported receiving many questions about the start of demolition but he felt this would still be several months away and pointed out that the additional issue of whether an owner would contest the condemnation is also an unknown. Judge Rutherford asked Jeff Lilly, AOC Project Manager, if he had any questions or comments and he responded by stating these lawsuits and responses most likely would be ready by the next meeting.

Mr. Lilly said once the Phase A portion of the project is completed and approved, as it was at the CFSC Board meeting in Frankfort attended by board members, then 15% of the total fee should be paid to Sherman, Carter Barnhart, Architects. The architectural firm has a right to submit a bill at this time for the 15%. The amount owed at this time is \$210,808.80. Judge Rutherford called for authorization for this payment. **Upon motion by Donovan Blackburn and second by Neal Smith, the Board AUTHORIZED payment in the sum of \$210,808.80 to be made to Sherman, Carter and Barnhart, Architects, for 15% of the total fee for work on the proposed Pike County Judicial Center.**

Neal Smith praised the diligence of Attorney Case and the speed with which he had progressed. Mr. Lilly made a strong statement that were it not for the passion shown by Judge Rutherford at the Frankfort meeting, this project might have been denied. He said he thought it made a great difference that so many board members attended the meeting, stating, "This is the closest we ever came to not getting the project approved." He pointed out the support shown by the board members and Judge Rutherford's plea of necessity for the building had lent credibility and strength to the request for the building. Judge Rutherford answered, "We understood that we were in trouble; the board was listening to the newspaper. I drove to the meeting on a two-lane road...I go to other counties in this State; they are four-lane and farm country. They do not even contribute anything to the state budget. It made a difference that we were all there as a team."

Dave Sumner of Codell Construction stated his company is simply awaiting the condemnation follow-up before beginning any construction. Debbie Bailey of Grace Fellowship inquired as to what the time frame would be if there is no opposition to the condemnation suits. Attorney Case replied it could be up to fifty days for filing but it probably would run past the first of the year. He said if the landowners would discuss the price, they can file exceptions which should make it go rather quickly. Mr. Smith pointed out an interlocutory judgment might be obtained on pieces of property.

It was announced that the next meeting would be on December 4, 2008, at the normal time. With no further business to come before the Board at this time, Judge Rutherford ADJOURNED the meeting.

Respectfully submitted,


Rose Farley, Clerk